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The examiner has stated that the application names joint inventors, and thus presumes that subject matter of the various claims was commonly owned at the time any inventions covered were made absent any evidence to the contrary. The examiner's assumption is correct, and therefore this issue is believed to be resolved.

In response to applicant's argument that the prior art does not disclose nor suggest the use of a projecting object free tongue as claimed by applicant: Betz teaches a tongue 15 having an outer end being generally free of projecting objects mounted thereon. The limitation "generally free of projecting objects mounted thereon" means that there can be at least one projecting object. Therefore, even though the tongue 15 has a clip 13 projecting therefrom, it is "generally" free of projecting objects.

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1 be contrary to the teachings of Mosman. In fact, the only suggestion to modify Mosman as suggested
2 by the examiner is found in applicants' disclosure, and nowhere else in the cited prior art. It can
3 fairly be said that the cited prior art does not disclose nor suggest the use of a projecting object free
4 tongue as currently claimed by applicants, and modification of Mosman to include such a tongue will
5 cause Mosman to not function as intended by its inventor. As was stated by the C.C.P.A. in In re
6 Rosen; "The modification necessary to the primary reference in order to achieve the patented design
7 may not destroy fundamental characteristics of the primary reference." In re Rosen, 673 F.2d 388,
8 391, 213 USPQ 347, 350 (C.C.P.A. 1982). Applicants have made these changes as per the
9 examiner's suggestions and thus believe that claims **1, 8 and 12** are allowable over the prior art.

10 Claims **5, 6 and 7** were rejected along with claim **1**, but applicants wish to clarify that they
11 do not claim exclusive rights to the features defined in those claims independently, but rather only
12 in combination with the present invention as defined in claim **1**. For the reasons expressed above
13 in connection with amended claim **1** and for the structural limitations added by these claims, claims
14 **5, 6 and 7** are believed to be allowable with claim **1**. Claims **2, 3, 4, 9, 10 and 11** have been
15 canceled.

1 This application is thus believed to be in condition for allowance of all claims remaining
2 herein, and such action is respectfully requested.

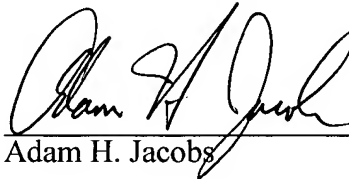
3 Respectfully submitted,

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11 CERTIFICATE OF MAILING

12 I hereby certify that this Amendment for a DUAL OPTION TAPE MEASURE, Serial N°
13 10/700,943, was mailed by first class mail, postage prepaid, to Mail Stop Non-Fee Amendment,
14 Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15th day of March,
15 2005.

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17 Adam H. Jacobs